

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING
October 3, 2012
7:30 P.M.
Room 206, Town Hall

Acting Chairman Kenyon called the meeting to order at 7:35 P.M

Commission Members Present: Pete Kenyon, Wynne Shapiro, Rick Rohr, Keith Kearney, and Vickie Riccardo

Staff : Jacobson

Court Reporter: Syat

Channel 79 recorded the meeting

Acting Chairman Kenyon called the following agenda item:

Request to amend EPC-21 -2008, Archibald & Sandra Russell, 10 Libby Lane to allow connection of the sump pump to the Town storm drain.

Wayne D'Avanzo, P.E., represented the applicant. He said he reviewed the footing drain and sump pump situation, and the most sensible solution is to pump the water to the catch basin.

Mr. Kenyon said that the Commission has held numerous public hearings on properties in the area, including the subject property, addressing water issues, and he believes a hearing is warranted for this proposal to insure there are no impacts to downstream residents. He said the Commission would need additional information for the November 7 meeting.

Mr. Rohr said the applicant needs to look at other options including waterproofing the basement, additional cul-tech units, and abandoning the basement. He said he would like to see an analysis of the downstream impacts.

Ms. Riccardo said she has photos of the property she will provide for the record.

Mr. Kearney asked why the system is not working. Mr. D'Avanzo said there is more water, and more frequent pumping, then anticipated.

Mr. Kearny said he would like more explanation of how Mr. D'Avanzo reached his conclusion of no effect on downstream locations.

The Commission scheduled the public hearing for November 7.

Mr. Kenyon called the next agenda item.

Request to amend EPC-27- 2012, Amy & Tim Kennedy, 62 Salisbury Road, proposing to revise approved porch addition in an upland review area.

Jacek Bigosinski, Architect, represented the applicant. He said his clients wish to have the porch extend across the front of the main portion of the house. He said he did not show that on the original submission, and only showed the porch covering the entrance. He said an additional eight feet of porch is requested.

None of the Commission members had concerns with the proposed change.

Mr. Kenyon made a motion to approve the request to amend the permit. Ms. Shapiro seconded the motion and it passed 5-0.

Mr. Kenyon called the next agenda item.

EPC-31-2012, James & Susan Ozanne, 94 Rings End Road, proposing foundation repairs, renovations to comply with flood regulations, driveway within an upland review area. The site is shown on Assessor's Map #51 as Lot #3.

Attorney Wilder Gleason represented the applicants. He said they are looking for a finding of no impact. He said the project is separated from Gorham's Pond by Rings End road, and a stone wall that will prevent any impact to the pond.

Mr. Kenyon asked about effects on the historical nature of the structure. Mr. Gleason said they are working with P&Z and the Town historian to preserve the character of the property.

Ms. Riccardo made a motion to approve the application. Mr. Rohr seconded the motion and it passed 5-0.

Mr. Kenyon called the next agenda item.

EPC-32-2012, Contentamiento, LLC, 12 Shennamere Road, proposing septic system components and grading within an upland review area. The site is shown on Assessor's Map #68 as Lot #5.

Attorney Robert Maslan represented the applicant. He said they are proposing septic grading within 150' of the pond, which is a regulated inland watercourse, and grading for the driveway within 50' of the pond.

Mr. Maslan introduced Todd Ritchie, P.E., GHD, Inc. Mr. Ritchie described the regulated activities and said project will also require CAM review.

Mr. Kenyon asked if the septic has been approved by the Health Department. Mr. Ritchie said he has a general approval from David Knauf pending the final design.

Mr. Ritchie said there will be two trees removed. They are proposing to plant 10 tree and 50 shrubs. He said the roof drains to the pond will be abandoned.

Mr. Rohr asked if there will be an impact from less flow to the pond. Mr. Ritchie said they are eliminating the roof runoff to reduce thermal impacts.

Mr. Rohr asked if the previous wetland delineation is still accurate. Mr. Ritchie said Michelle Ford from his office re-confirmed the delineation.

Mr. Kenyon made a motion to approve the application. Mr. Kearney seconded the motion and it passed 5-0.

Mr. Kenyon called the next agenda item.

EPC-33-2012, Dina Simone & Matthew Jacobson, 39 Stony Brook Road, proposing house addition within upland review area. The site is shown on Assessor's Map #19 as Lot #26.

Matthew Jacobson represented himself. He said there is an existing terraced patio. They are proposing to level the patio by filling and construct a new wall and stairs.

Mr. Kearney asked if the patio was being increased where there are existing plantings. Mr. Jacobson said they are raising the grade where there is an existing planting bed and placing bluestone with gaps.

Ms. Riccardo asked if there would be an impact to the oak tree from the construction of the stairs. Mr. Jacobson said they will look at it. He said the tree already has a tree well.

Mr. Kenyon asked about the increase in terrace area. Mr. Jacobson said it is approximately 11' by 33'.

Ms. Shapiro made a motion to approve the application. Mr. Kearney seconded the motion and it passed 5-0.

Mr. Kenyon called the next agenda item.

EPC-34-2012, Brian & Kristina Gregory, 1 Stony Brook Road, proposing swimming pool replacement within upland review area. The site is shown on Assessor's Map #19 as Lot #12.

Mr. Gregory represented himself. He said they are proposing to replace a pool that is 45 years old. They will be replacing vinyl with gunite. He said they will duplicate the concrete apron around the pool and will replace the patio with concrete pavers.

Mr. Kenyon asked if they had a planting plan. Mr. Gregory said they have garden plants between the house and the patio.

Mr. Kearny made a motion to approve the application. Ms. Shapiro seconded the motion and it passed 5-0.

Mr. Kenyon called the next agenda item.

EPC-35-2012, Estate of Barbara J. Harrington, 6 Blueberry Lane, proposing septic system repair within and upland review area. The site is shown on Assessor's Map #7 as Lot #46.

Steve McAllister, P.E., McChord Engineering, represented the applicant. He said there is an existing three bedroom house on the property. He said the septic system in the rear of the property is near the end of its functional life. He said the replacement system will be more code complying. He said they are not proposing any building or other site improvements.

Mr. Kenyon asked about trees to be removed. Mr. McAllister said approximately six trees will be removed. They are not proposing any tree replacement because of the proposed septic field. Mr. Kenyon asked about planting shrubs. Mr. McAllister said they could plant shrubs along the edge of the fill that would not interfere with the leaching field.

Mr. Kenyon made a motion to approve the application with a planting plan for the road side of the fill slope, to be approved by staff. Ms. Riccardo seconded the motion and it passed 5-0.

Mr. Kenyon called the following Public hearing:

EPC-29-2012, Beatrice Richards, et.al. (formerly Kaali-Nagy), 123 Five Mile River Road, proposing construction of two residences within an upland review area. The site is shown on Assessor's Map #67 as Lot #2. (Continued from September 5)

Mr. Kenyon said this hearing will be continued at the request of both the applicant's and the neighbor's attorneys.

The Commission discussed scheduling a special meeting and continued the hearing until October 22, pending confirmation of the availability of the experts for both parties.

Mr. Kenyon called the following public hearing:

EPC-20-2012, J. Baron Land Corporation, 0 Shagbark Road, proposing new house construction, septic system, and related grading within an upland review area. The site is shown on Assessor's Map #2 as Lot #21. (Continued from September 5)

Steve McAllister, P.E., McChord Engineering, represented the applicant. He introduced Mark Andriuk, Builder, Attorney Liz Suchy, Attorney Jackie Kaufman, and Matt Popp, Landscape Architect.

Mr. McAllister said and they have refined the plan based on his conversations with Doug DiVesta, P.E.,

Jackie Kaufman said they have discussed the plan with Attorney Wilder Gleason, representing the Shands, and they have agreed to a list of modifications to the plan. She provided a draft of the changes they have agreed to.

Mr. Rohr asked about the size of the boulders to be used at the edge of the lawn. Mr. Popp said they will be two-man size boulder. Mr. Rohr asked if they could move the topsoil stockpile outside the upland review area to avoid the trees. Mr. Popp said they would.

Mr. Rohr asked if they had test hole data for the detention area for the footing drain. Mr. McAllister said they could verify the soils in the area prior to construction. Mr. Rohr said they would need to come back if the proposed system will not work. Mr. McAllister said he understood.

Mr. Kenyon asked him to define "excessive" accumulation of sediment in the maintenance plan. Mr. McAllister said a hurricane or beyond normal storm event.

Ms. Riccardo requested the words "as required" be eliminated in the maintenance plan and the word should be changed to shall.

Attorney Gleason asked that the applicant preserve two trees outside the upland review area if possible.

Staff will draft a decision based on the applicant will incorporating the changes to the plan as discussed.

Mr. Rohr made a motion to close the public hearing. Ms. Shapiro seconded the motion and it passed 5-0.

Mr. Kenyon called the next agenda item.

Resolution Re: Flood Mitigation Strategy Committee Recommendations

The Commission reviewed a draft resolution.

Mr. Kenyon suggested adding the word strongly before the word re-affirm.

Ms. Riccardo suggested sending resolution to the RTM and the Board of Finance in addition to the Board of Selectman.

Mr. Kenyon made a motion to pass the resolution as amended. Ms. Riccardo seconded the motion and it passed 5-0.

Minutes of previous meeting: August 1, September 5

Mr. Kenyon made a motion to approve the minutes of August 1 as amended. Ms. Riccardo seconded the motion and passed 5-0.

Mr. Kenyon made a motion to approve the minutes of September 5 as amended. Mr. Kearney seconded the motion and it passed 4-0. Ms. Riccardo abstained.

Meeting schedule for 2013

The schedule will be revised to eliminate September 11.

Election of Officers

This item was tabled pending re-appointment of members.

Mr. Rohr made a motion to adjourn. Ms. Riccardo seconded the motion and it passed 5-0. The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer